term does not release the lessee from liability for rent, as he is not deprived of the beneficial use of the premises. *Kerley* v. *Mayer,* (Com. Pl.) 10 Misc. Rep. 718, 31 N. Y. Supp. 818. The cases above cited undoubtedly indicate the weight of authority, with which the principal case is in accord, but there are found in a South Carolina case, dicta to the effect that if the tenant is deprived of the beneficial use of the premises according to the terms of the lease, that is the destruction of the subject matter and upon surrender or an offer of surrender of all benefit therein the tenant has a good defense against the collection of the rent. *Coogan* v. *Parker,* 2 S. C. (2 Rich.) 255, 16 Am. Rep. 659.

LIBEL AND SLANDER—DEFAMING A PUBLIC OFFICER.—An item appeared in the New York Tribune which stated that the plaintiff, a clerk in the city magistrate's court, and his associates failed to appear at certain sessions of the court as was their duty. It was an imputation of shirking a public duty on the part of an officer. *Held,* that such imputation is libelous per se. *Church* v. *New York Tribune Assn.* (1909), 118 N. Y. Supp. 626.

Any language, written or spoken, imputing a dereliction of duty to an officer of the public or an employee is actionable per se. *Prussing* v. *Jackson,* 85 Ill. App. 324; *Hay* v. *Reid,* 85 Mich. 296, 48 N. W. 507; *Bourreseau* v. *Detroit Evening Journal Co.,* 63 Mich. 425, 30 N. W. 376, 6 Am. St. Rep. 320; *O'Leary* v. *New York News Pub. Co.,* 51 App. Div. 2, 64 N. Y. Supp. 327. To be actionable the charge must not only tend to injure the plaintiff in his office but must touch him in his official character by imputing the want of necessary characteristics. *Sillars* v. *Collier,* 151 Mass. 50, 23 N. E. 723, 6 L. R. A. 680; *Kinney* v. *Nash,* 3 N. Y. 177. This applies to defamatory words concerning county auditor, *Prosser* v. *Callis,* 117 Ind. 105, 19 N. E. 735; election inspector, *Ellsworth* v. *Hayes,* 71 Wis. 427, 37 N. W. 249; notary public, *Henderson* v. *Commercial Advertiser Ass'n,* 111 N. Y. 685, 19 N. E. 286; aff. 46 Hun 504; sheriffs, *Heller* v. *Duff,* 62 N. J. L. 101; policemen, *O'Brien* v. *Times Pub. Co.,* 21 R. I. 256, 43 Atl. 101; jurymen, *Byers* v. *Martin,* 2 Colo. 605, 25 Am. Rep. 755, and similar officers.

MASTER AND SERVANT—ASSAULT BY FELLOW SERVANT—LIABILITY OF MASTER. Defendant corporation employed plaintiff to act as engineer in its milling plant. For a long time previous to the employment of plaintiff it had been the custom among the old employes of defendant to initiate every new man employed to work with them. Only those strong enough to successfully resist evaded the initiation, and among those who had been initiated were the president and manager of defendant corporation. A short time after plaintiff had assumed his duties a number of the old employes seized him and proceeded to conduct the initiation by holding the body over a barrel and applying a paddle as had been the custom. Plaintiff resisted and in the struggle suffered the injuries complained of. *Held,* that plaintiff could recover damages from defendant for the injuries suffered. *Medlin Milling Co.* v *Boutwell* (1909),—Tex. Civ. App.—, 122 S. W. 442.

The opinion states that since the defendant had permitted this custom of initiating new men to continue for a number of years and had made no